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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re the Application of Sidney Kastner**

**Serial No. 10/613,575**

**Art Unit 3728**

**Filed: March 22, 2004**

**Primary Examiner Marie Patterson**

**For: Resilient, All-Surface Soles for Footwear**

**ELECTION OF SPECIES**

**Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1250**

**SIR:**

**In response to the Official Action mailed August 19, 2004, to which a shortened statutory period for response was set to expire one month from such mailing date, applicant respectfully traverses the requirement for restriction. However, the extent of such traverse must await an examination of the prior art to determine the bases of the claimed invention.**


**Complying with the requirement, applicant elects to prosecute in this application the embodiment of the invention illustrated in FIG. 6 of the drawings. Features of this embodiment include both a harder-softer-harder layer construction in which the anchor portion of the stud is located in the softer layer, as well as a recess in the outer harder layer, which recess surrounds the tip and lower shank of the stud to permit flexing thereof.**

While most of the claims presently in the case read on this embodiment,  
claim 12 recites a combination of elements that includes these two features of the invention.

Action on the merits of the FIG. 6 embodiment is respectfully requested.

Respectfully submitted,

Dated: September 2, 2004



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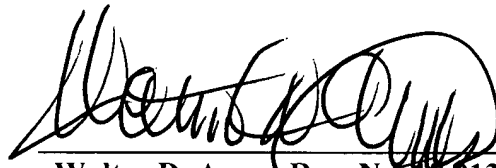
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**CERTIFICATE OF MAILING**

It is hereby certified that on the 2nd day of September, 2004 the foregoing Election of Species was deposited with the United States Postal Service as first-class, postage-prepaid mail in an envelope addressed to:

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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